

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FRANK JULIO VICARY)	
Petitioner,)	
)	
vs.)	C.A. No. 05-195 ERIE
)	
JAMES VESHECCO)	
Respondent.)	

RULE AND ORDER

AND NOW, this 23rd day of June, 2005, after Petitioner presented a petition for a writ of habeas corpus,

IT IS ORDERED that the United States Marshal shall make service of this order, together with a copy of the petition, upon the Respondent, the District Attorney of Erie County, and the Attorney General of the Commonwealth of Pennsylvania.

IT IS FURTHER ORDERED that within twenty days of service of this order, the respondent, and the District Attorney of Erie County, Pennsylvania shall respond to the allegations of the petition for writ of habeas corpus. The District Attorney shall address all of the following 1) the statute of limitations, 28 U.S.C. § 2254(d)(1)-(2); 2) the exhaustion of state court remedies as required by 28 U.S.C. §§ 2254(b) and Picard v. Connor, 404 U.S. 270 (1971); Rose v. Lundy, 455 U.S. 509 (1982); United States ex. rel. Trantino v. Hatrack, 563 F.2d 86 (3d Cir. 1977); Zicarelli v. Gray, 543 F.2d 466 (3d Cir. 1976), with respect to each claim raised by the Petitioner and, if appropriate, whether any of the claims were procedurally defaulted, and 3) the merits of the petition. The answer shall comply with Rule 5 of the Rules Governing Section

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2. Article Number



7160 3901 9842 6648 5249

3. Service Type **CERTIFIED MAIL**4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

JAMES VESHECCO, WARDEN
 ERIE COUNTY PRISON
 1615 ASH STREET
 ERIE, PA. 16503

S-195E, O/P, 7/14/05, SRB

PS Form 3811, January 2003

Domestic Return Receipt

2. Article Number



7160 3901 9842 6648 5256

3. Service Type **CERTIFIED MAIL**4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

ATTORNEY GENERAL COMMONWEALTH OF PA
 564 FORRES AVENUE
 6TH FLOOR MANOR BLDG
 PITTSBURGH, PA. 15219

S-195E, O/P, 7/14/05, SRB

PS Form 3811, January 2003

Domestic Return Receipt

2. Article Number



7160 3901 9842 6648 5263

3. Service Type **CERTIFIED MAIL**4. Restricted Delivery? (Extra Fee) ☐ Yes

1. Article Addressed to:

~~XXXXXXXX~~

ERIE COUNTY DISTRICT ATTORNEY
 ERIE COUNTY COURTHOUSE
 ERIE, PA. 16501

S-195E, O/P, 7/14/05, SRB

PS Form 3811, January 2003

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY	
A. Received by (Please Print Clearly) BASIL KUANARUN	B. Date of Delivery 7/16/05
C. Signature X <i>Basil Kuanarun</i>	<input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

COMPLETE THIS SECTION ON DELIVERY	
A. Received by (Please Print Clearly)	B. Date of Delivery 7/15/05
C. Signature X <i>Patricia Cleaver</i>	<input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

COMPLETE THIS SECTION ON DELIVERY	
A. Received by (Please Print Clearly) Jennifer L. Bailey	B. Date of Delivery 10/1/05
C. Signature X <i>Jennifer L. Bailey</i>	<input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	